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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/420,951	10/19/1999	PAUL LIESENBERG	081862.P152	3474

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
12400 WILSHIRE BOULEVARD SEVENTH FLOOR
LOS ANGELES, CA 90025

EXAMINER

AGDEPPA, HECTOR A

ART UNIT

PAPER NUMBER

2642

DATE MAILED: 01/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/420,951

Applicant(s)

LIESENBERG, PAUL

Examiner

Hector A. Agdeppa

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/30/04 9/20/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 1 – 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat 6,292,478 (Farris) in view of US Pat 6,512,768 (Thomas), and further in view of US 6,118,785 (Araujo et al.)

As to claims 1, 3 - 5, 7 - 9, 11 - 13, 15 – 17, 20, 22, 23, 26, and 28, Farris teaches a telecommunications system wherein the system includes a routing and administration server (RAS) 480 that includes routing table/databases for associating IP addresses of an Internet Telephony Server (ITS) 472, ITS 472 typically being connected to a central office, with the telephone numbers the telephone network 462 serves, those telephone numbers having an area code/NNX designation. Furthermore, note that for all practical purposes, transmitting update messages are inherent in telephony systems for the purposes of updating data or records, noting changes in system status etc. (Abstract, Figs. 9, 13A, 13B, Col. 12, line 60 – Col. 14, line 6)

What Farris does not teach is the use of labels for corresponding IP addresses. However, Thomas teaches that a known technique of avoiding longest match searches is "tag-switching" or "label-switching" which is merely assigning a "shorter" or more quickly accessed/assessed label to an IP address negating the need to look at an entire address. Furthermore, a popular method of performing this "label-switching" is Multi-

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Protocol Label Switching (MPLS). Obviously the motivation for this is clearly to speed up system operation and make it more efficient. It would have been obvious for one skilled in the art to combine Farris and Thomas inasmuch as Thomas teaches that it is well known and popular to "tag-switch" or "label-switch" and also in view of the obvious motivation for making the system of Farris faster and/or more efficient. (Col. 1, line 38 – Col. 2, line 48 of Thomas)

Also, the very nature of data and digital communications is to NOT have a one-to-one relationship between a trunk, line, connection, and a user like a POTS system for example. Therefore it is at the very least obvious that other connections as well are routed using the IP address and label depending on where or how a call or communication is to be routed. Having NON-dedicated lines for communications has been the desire for a long time to increase system resource efficiency/eliminate wasteful resource usage and even to increase system efficiency.

Moreover, tunneling is merely a protocol or method of routing supported on any local area network and used in Internet data communications, such as that used/described in Thomas and Farris, which allows temporarily changing the destination of a packet or in some cases, piggybacking protocols to allow for alternate routing paths / get around router(s) incapable of routing to the destination router.

Also, as taught by Araujo et al., standard tunneling as used in telephony call routing using PPP protocols such as layer 2 tunneling protocol (L2TP), includes the sending and receiving of both control messages and payload packets over a single given L2TP tunnel. (Col. 9, lines 47 – 50 of Araujo et al.) Therefore, call requests and

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call replies (which are both types of control messages) can be tunneled with existing or already established connections, i.e., the payload packets. (Col. 10, line 60 – Col. 11, line 24 of Araujo et al.)

As to claims 2, 6, 10, and 14, Farris has been discussed above. What Farris fails to teach is the assigning of an IP address to a central office. As discussed above, the IP address refers to an ITS. However, as also discussed above, the ITS is connected to a central office. For all intensive purposes, the ITS allows an IP address to be associated with telephone numbers being served by a central office. Simply, that the functionality is taken outside of the central office and put into the ITS. However, as the ITS is connected to the central office it would have been obvious for one skilled in the art at the time the invention was made to have implemented the functionality of the ITS in the central office as such would only be a design choice or preference.

As to claims 18 and 24, if the system uses IP addresses then an IP service layer will be employed as well. As for an ATM transport layer, ATM is merely one of a plurality of transport protocols which may be employed in a communications system and so its use is obvious and well known. Moreover, see Fig. 5 of Thomas and Col. 3, lines 43 – 44 wherein an ATM frame is shown having an IP datagram in its payload field. This indicates that an IP service layer and ATM transport layer is used in the system of Thomas.

As to claims 19, 21, 25, and 27, the system of Farris is employed on an AIN system and therefore it is inherent that the initial address message (IAM) is a signaling system 7 (SS7) IAM message.

Response to Arguments

2. Applicant's arguments with respect to claims 1 - 28 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 6,507,577 (Mauger et al.) teaches the use of L2TP tunnels that can be mapped onto MPLS tunnels as well as the use of labeling and IP addressing. US 6,633,563 (Lin et al.) teaches processing requests for setting up L2TP tunnels and calls within the tunnel.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hector A. Agdeppa whose telephone number is 703-305-1844. The examiner can normally be reached on Mon thru Fri 9:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar can be reached on 703-305-4731. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

H.A.A.

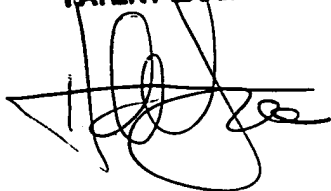
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January 4, 2005

HECTOR A. AGDEPPA
PATENT EXAMINER

A handwritten signature in black ink, appearing to be 'Hector A. Agdeppa', written over the printed name and title.